provides for this exemption is proposed to be deleted according to the first portion of the Bill. It maybe noted in this connection that the Madras Entertainment Tax Act does not contain any such provision. The second portion of the Bill which is consequential upon the first merely specifies the maximum rates of the tax. The rates provided here are the same as in the Madras Acts I move that the Bill may be passed.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Local Authorities Entertainments Tax Act (Amendment) Bill"

Mr. C. J. Mathew *(Joint Secretary to Government):* I request that the S. O. 32 may be suspended.

Mr. President: Yes.

Mr. C. J. Mathew *(Joint Secretary to Govenrment):* I move that the Bill be taken into consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Clause 2 put and carried

Clause 1, "Title and reamble" put and carried

Mr. C. J. Mathew *(Joint Secretary to Government):* I move that the Cochin Local Authorities Entertainments Tax Act (Amendment) Bill be taken up and finally passed tomorrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Workmen's Compensation Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Workmen's Compensation Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The Cochin Workmen's Compensation Act is based upon the Indian Act. Subsequent to the passing of our Act certain amendments have been introduced in British India, and the purpose of the amending Bill is to bring it into line with the British Indian Act. The second clause in the Bill relates to the definition of the term dependent. It is intended to enlarge the scope of that word by including minor children and unmarried legitimate daughters of the deceased within the scope of the definition. Clause 4 is only intended to effect a verbal modification. Clause 5 is only intended to correct a mistake. Clause 6 relates to the notice and claim of compensation to the employee. The period now fixed in the law is a period of six months. In British India the period is one year. Clause 7 is merely verbal. Clause 10 relates to the issue of the Medical Certificate. Under the present Act there can be only one Commissioner. This is not sufficient. We must have the power of appointing more commissioners than one whenever necessary. I believe this is a non-controversial bill. I hope the House will gladly approve of these small amendments.

Secretary to the Council: The title of the Bill is "The Workmen's Compensation Act (Amendment) Bill".

Mr. M. Sivarama Menon *(Advocate-General):* I request that the President may be pleased to suspend S. O. 32.

Mr. President: Yes.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Workmen's Compensation Act (1) Amendment a Bill be taken up for consideration.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Clauses 2 to 18 put and carried

Clause 1 Title and Preamble put and carried

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Workmen's Compensation Act (Amendment) Bill be taken up and finally passed to-morrow.

Motion put and carried

Mr. President: I do not know whether the Hon'ble Member for Vadakkancheri wishes to take up his motion now.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I won't be able to finish up before 5. Sir, there are barely 12 minutes and that is not enough.

The House rose for the day at 4-48 p.m.

N. S RADHAKRISHNA SARMA
Secretary to the Council

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APPENDIX VI

The Workmen's Compensation Act (Amendment) Bill

Preamble.—WHEREAS it is deemed necessary further to amend the Workmen's Compensation Act, V of 1111; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Workmen's Compensation (Amendment) Act, of 11 and shall come into force at once.

2. *Amendment to section 2.*—In section 2 of the Workmen's Compensation Act, V of 1111; hereinafter referred to as the Act—

(1) in sub-section (1)—

(*a*) for clause (*d*) the following clause shall be substituted.—

(*d*) "dependant" means any of the following relatives of a deceased workman, namely.—

(*i*) A widow, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother, and

(*ii*) if wholly or in part dependant on the earnings of the workman at the time of his death, a widower, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, a minor child of a deceased daughter where no parent of the child is alive, or, where no parent of the workman is alive, a paternal grandparent; and

(*b*) in sub-clause (*ii*) of clause (1) between the words "writing" and "and" the following shall be inserted.—

"but does not include any person working in the capacity of a member of the Military Forces of this Government or of His Majesty's Naval, Military or Air Forces."

3. *Amendment to Section 3.*—For sub-section (2) of section 3 of the Act the following shall be substituted.—

"If a workman, employed in any employment speceified in Part A of Schedule II contracts any disease specified therein as an occupational disease peculiar to that employment,

or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Part B of Schedule II, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of employment.".

Explanation.—For the purposes of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer, in the same kind of employment.

4. *Amendment to section 5*—In section 5 of the Act.—

(*a*) for the words "For the purposes of this Act the monthly wages of a workman shall be calculated as follows, namely".—the words "In this Act and for the purposes thereof the the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated as follows, namely.—"shall be substituted;

(*b*) in clause (*b*) the words "deemed to be" shall be omitted; and

(*c*) in the explanation for the word "sub-section" the word "section" shall be substituted.

5. *Amendment to section 8.*—In sub-section (4) of section 8 of the Act for the words "disabled workman" the words "deceased workman" shall be substituted.

6. *Notice and claim.*—For section 10 of the Act the following shall be substituted.—

"(1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident or, in the case of death, within one year from the date of death:

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

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Provided, further, that the want of or any defect or irregularity in a notice shall not be a bar to the entertainment of a claim.—

(*a*) if the claim is preferred in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(*b*) if the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed had knowledge of the accident from any other source at or about the time when it occurred:

Provided, further, that the Commissioner may entertain and decide any claim to compensation in any case not-with-standing that the notice has not been given, or the claim has not been preferred in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed, a notice book in the prescribed form which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting bona fide on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book."

7. *Amendment to section 13.*—In sub-section (6) of section 13 of the Act—

(1) for the words "if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable" the words "if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions, and that such refusal, disregard or failure was unreasonable", shall be substituted.

(2) between the words "medical practitioner" and the words "and compensation" the words "whose instructions he had followed" shall be inserted.

8. *Amendment to section 16.*—In sub-section (4) of section 16 of the Act for the word "debits" the word "debts" shall be substituted.

9. *Amendment to section 16A.*—In section 16A of the Act, sub-section (4) shall de deleted and sub-section (5) re-numbered as sub-section (4).

10. *Amendment to section 19.*—In section 19 of the Act for the words "a certificate granted by a qualified medical practitioner shall be conclusive proof of the age of such" the words "a valid certificate granted in respect of such person under section 12 or section 52 of the Cochin Factories Act, II of 1113, before the occurrence of the injury shall be conclusive proof of the age of such person", shall be substituted.

11. *Amendment to section 22.*—For sub-section (1) of section 22 of the Act the following shall be substituted.—

"(1) The Government may, by notification in the Cochin Government Gazette appoint any person to be a Commissioner for workmen's compensation for such local area as may be specified in the notification."

12. *Amendment to section 29.*—In section 29 of the Act for the words "Chief Court" the words "High Court" shall be substituted.

13. *Amendment to section 30.*—In sub-section (2) of section 30 of the Act for the words "the Indian Contract Act, 1872, as extended to Cochin State" the words "The Cochin Contract Act, XXIII of 1112" shall be substituted.

14. *Amendment to section 32.*—In section 32 of the Act—

(1) in sub-section (1) for the words "Chief Court" the words "High Court" shall be substituted; and

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(2) in the first proviso to clause (e) of sub-section (1) between the words "dispute" and "is" the words "in the appeal" shall be inserted.

15. *Amendment to section 33.*—In section 33 of the Act for the words "Chief Court" the words "High Court" shall be substituted.

16. *Amendment to schedule I.*—In schedule I to the Act for the entry "[see sections 3 (1) and (4)]" the words "[see sections 2 (j) and 4]", shall be substituted.

17. For schedule II to the Act the following shall be substituted.—

SCHEDULE II

(See section 3)

List of Occupational Diseases

Occupational disease	*Employment*
Part A	
Anthrax	Any employment (a) involving the handling of wool, hair, bristles or animal carcases, or parts of such carcases including hides, hoofs and horns; or (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading or transport of any merchandise.
Compressed air illness or its sequelae	Any process carried on in compressed air
Poisoning by lead tetraethyl	Any process involving the use of lead tetraethyl
Poisoning by nitrous fumes	Any process involving exposure to nitrous fumes
Part B	
Occupational disease	*Employment*
Lead poisoning or its sequelae (excluding poisoning by lead tetraethyl)	Any processs involving the use of lead (or any of its preparations or compounds except lead tetraethyl)
Phosphorous poisoning or its sequelae	Any process involving the use of phosphorous or its preparations or compounds
Mercury poisoning or its sequelae	Any process involving the use of mercury orits preparations or compounds
Poisoning by benzene and its homologues, or the sequelae of such poisoning	Handling benzene or any of its homologues; and any process in the manufacture or involving the use of benzene or any of its homologues
Chrome ulceration or its sequelae	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium or other preparations:
Arsenical poisoning or its sequelae	Any process involving the production, liberation or utilisation of arsenic or its compounds
Pathological manifestations due to (a) radium and other radio-active substances; (b) X-rays	Any process involving exposure to the action of radium, radio-active substances, or X-rays
Primary epitheliomatous cancer of the skin	Any process involving the handing or use of tar, pitch, bitumen, mineral oil, paraffin or the compounds, products or residues of these substances

18. In Schedule IV to the Act—

(a) in clause (i) for the words "mechanically propelled vehicles" the words "a lift or a vehicle propelled by steam or other mechanical power or by electricity" shall be substituted;

(b) after clause (xx) the following clauses shall be inserted, namely.—

"(xxi) employed in the tapping of cocoanut palm or trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or

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(xxii) employed in operations for the catching or hunting of elephants or other wild animals; or"

(c) the existing clause (xxi) shall be renumbered as clause (xxiii) and after that clause as so renumbered the following word and clauses shall be inserted, namely.—

"or (xxiv) employed in the handling or transport of goods in, or within the precincts of,—

(a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed, or

(b) any markets in which on any one day of the preceding twelve months one hundred or more persons have been so employed, or

(xxv) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances."

Statements of Objects and Reasons

The Cochin Workmen's Compensation Act, V of 1111, is based on the Indian Act. It is necessary to incorporate in our Act the amendments effected in British India. Hence the Bill.

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